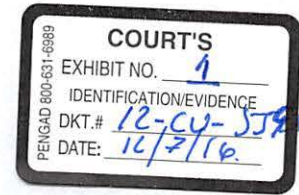


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK



----- X  
KENDALL RICHBURG,

Plaintiff,

-against-

CITY OF NEW YORK, SERGEANT DENNIS  
FRIENDLY, SERGEANT MICHAEL WHITE,  
DETECTIVE JOSE HIGA, DETECTIVE EMRAH ATES,  
and DETECTIVE SEAN FINNEGAN,

Defendants.  
----- X

**VERDICT FORM**

12-cv-5590 (LDH) (VMS)

**False Arrest**

Question 1(a):

Has Plaintiff proven by a preponderance of the evidence that he was falsely arrested by any of the following Defendants?

|                 |   |  |
|-----------------|---|--|
| Dennis Friendly | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>            |
| Michael White   | YES <input type="checkbox"/>            | NO <input checked="" type="checkbox"/> |
| Jose Higa       | YES <input type="checkbox"/>            | NO <input checked="" type="checkbox"/> |
| Sean Finnegan   | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>            |

If you answered "Yes" as to any Defendant, please proceed to Question 1(b).

If you answered "No" as to all Defendants, please proceed to Question 2(a).

**Question 1(b):**

Has Plaintiff proven by a preponderance of the evidence that he is entitled to compensatory damages as a result of being falsely arrested?

YES ☒ NO ☐

**If you answered "Yes", please proceed to Question 1(c).**

**If you answered "No", please proceed to Question 1(d).**

**Question 1(c):**

State the total dollar amount of any actual compensatory damages that Plaintiff is entitled to on his false arrest claim:

\$ 10,000.00

**Proceed to Question 2(a).**

**Question 1(d):**

What amount of nominal damages, not to exceed one dollar, do you award Plaintiff on his false arrest claim?

\$                     

**Proceed to Question 2(a).**

**Excessive Force**

**Question 2(a):**

Has Plaintiff proven by a preponderance of the evidence that he was subjected to excessive force by any of the following Defendants?

|                 |                              |  |
|-----------------|------------------------------|--|
| Dennis Friendly | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| Jose Higa       | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| Emrah Ates      | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| Sean Finnegan   | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |

**If you answered "Yes" as to any Defendant, please proceed to Question 2(c).**

**If you answered "No" as to all Defendants, please proceed to Question 2(b).**

Question 2(b):

Has Plaintiff proven by a preponderance of the evidence that he was subjected to excessive force by one or more of the Defendants, but you are uncertain of the identity of the Defendant(s)?

YES ☒ NO ☐

If you answered "Yes", please proceed to Question 2(c).

If you answered "No", please proceed to Question 3(a).

Question 2(c):

Has Plaintiff proven by a preponderance of the evidence that he is entitled to compensatory damages as a result of being subjected to excessive force?

YES ☒ NO ☐

If you answered "Yes", please proceed to Question 2(d).

If you answered "No", please proceed to Question 2(e).

Question 2(d):

State the total dollar amount of any actual compensatory damages that Plaintiff is entitled to on his excessive force claim:

\$ 15,000.00

Proceed to Question 3(a).

Question 2(e):

What amount of nominal damages, not to exceed one dollar, do you award Plaintiff on his excessive force claim?

\$                     

Proceed to Question 3(a).

### **Malicious Prosecution**

#### **Question 3(a):**

Has Plaintiff proven by a preponderance of the evidence that he was maliciously prosecuted by any of the following Defendants?

|                 |              |                  |
|-----------------|--------------|------------------|
| Dennis Friendly | YES <u>✓</u> | NO <u>      </u> |
| Sean Finnegan   | YES <u>✓</u> | NO <u>      </u> |

**If you answered "Yes" as to any Defendant, please proceed to Question 3(b).**

**If you answered "No" as to all Defendants, please proceed to Question 4(a).**

#### **Question 3(b):**

Has Plaintiff proven by a preponderance of the evidence that he is entitled to compensatory damages as a result of being maliciously prosecuted?

YES ✓ NO       

**If you answered "Yes", please proceed to Question 3(c).**

**If you answered "No", please proceed to Question 3(d).**

#### **Question 3(c):**

State the total dollar amount of any actual compensatory damages that Plaintiff is entitled to on his malicious prosecution claim.

\$ 15,000.00

**Proceed to Question 4(a).**

#### **Question 3(d):**

What amount of nominal damages, not to exceed one dollar, do you award Plaintiff on his malicious prosecution claim?

\$                     

**Proceed to Question 4(a).**

**Failure to Intervene**

**Question 4(a):**

Has Plaintiff proven by a preponderance of the evidence that any Defendant, although having a realistic opportunity to do so, failed to intervene to prevent another Defendant from violating Plaintiff's constitutional rights?

|                 |   |                             |
|-----------------|---|-----------------------------|
| Dennis Friendly | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| Michael White   | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| Jose Higa       | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| Emrah Ates      | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| Sean Finnegan   | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |

**If you answered "Yes" as to any Defendant, please proceed to Question 4(b).**

**If you answered "No" as to all Defendants, please proceed to Question 5(a).**

**Question 4(b):**

Has Plaintiff proven by a preponderance of the evidence that he is entitled to compensatory damages as a result of a Defendant's failure to intervene?

YES ☒ NO ☐

**If you answered "Yes", please proceed to Question 4(c).**

**If you answered "No", please proceed to Question 4(d).**

**Question 4(c):**

State the total dollar amount of any actual compensatory damages that Plaintiff is entitled to on his failure to intervene claim.

\$ 15,000.00

**Proceed to Question 5(a).**

Question 4(d):

What amount of nominal damages, not to exceed one dollar, do you award Plaintiff on his failure to intervene claim?

\$ \_\_\_\_\_

If you answered "Yes" to Questions 1(a), 2(a), 3(a), or 4(a), proceed to Question 5(a).

If you answered "No" to Questions 1(a), 2(a), 3(a), and 4(a), your deliberations are complete.

**Punitive Damages** (Only answer if you responded "Yes" to Question 1(a), 2(a), 3(a), or 4(a).)

Question 5(a):

Has Plaintiff proven by a preponderance of the evidence that a Defendant's violation of Plaintiff's civil rights was malicious or wanton?

|                 |   |  |
|-----------------|---|--|
| Dennis Friendly | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>            |
| Michael White   | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>            |
| Jose Higa       | YES <input type="checkbox"/>            | NO <input checked="" type="checkbox"/> |
| Emrah Ates      | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>            |
| Sean Finnegan   | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>            |

If you answered "Yes" as to any Defendant, proceed to Question 5(b).

If you answered "No" as to all Defendants your deliberations are complete.

Question 5(b):

What amount of punitive damages, if any, do you award Plaintiff?

\$ 20,000.00

**You have completed your deliberations.**

Dated: Brooklyn, New York  
December 7, 2016

  
FOREPERSON